

**MINUTES OF THE  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF EDINA, MINNESOTA  
CITY COUNCIL CHAMBERS  
APRIL 10, 2013  
7:00 PM**

**I. CALL TO ORDER**

Chair Staunton called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Scherer, Schroeder, Potts, Kilberg, Cherkassky Carr, Carpenter, Platteter, Forrest, and Staunton

Absent from the Roll: Grabiell

**III. APPROVAL OF MEETING AGENDA**

Commissioner Potts moved approval of the April 10, 2013 meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

**IV. APPROVAL OF CONSENT AGENDA**

Commissioner Scherer moved approval of the March 28, 2013 meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

**V. COMMUNITY COMMENT**

*During "Community Comment," the Planning Commission will invite residents to share new issues or concerns that haven't been considered in the past 30 days by the Commission or which aren't slated for future consideration. Individuals must limit their comments to three minutes. The Chair may limit the number of speakers on the same issue in the interest of time and topic. Generally speaking, items that are elsewhere on this morning's agenda may not be addressed during Community Comment. Individuals should not expect the Chair or Commission Members to respond to their comments today. Instead, the Commission might refer the matter to staff for consideration at a future meeting.*

No public comment.

**VI. PUBLIC HEARINGS**

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- A. Subdivision. Frank Holdings LLC/Spalon Montage – 3909 West 49 ½ Street and 4936 France Avenue**

### **Planner Presentation**

Planner Teague informed the Commission Spalon Montage is requesting to divide their property at 4936 France Avenue back into two lots for the purpose of potentially selling the new lot in the future. No new building is proposed at this time. Teague explained that the existing property and buildings would remain the same. This property was originally platted as two lots. The applicant combined them a few years ago, but is now requesting to divide them back per the original plat. The specific request is for a Preliminary and Final Plat to divide the property.

Planner Teague concluded that staff recommends that the City Council approve the Subdivision for Spalon Montage to divide their property at 4936 France Avenue back into two lots subject to the following findings: 1. The lots were original platted as proposed. 2. There are no immediate requests for changes in use of the property or existing buildings.

### **Discussion**

Chair Staunton asked if anyone would like to speak to this issue; being none; Commissioner Carpenter moved to close the public hearing. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Commissioner Carpenter stated this seems like a reasonable request, adding the request if approved restores the original plat.

### **Motion**

**Commissioner Forrest moved preliminary plat approval based on staff findings and subject to the conditions. Commissioner Potts seconded the motion. All voted aye; motion carried. 8-0**

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## **B. Variance. City of Edina. 7335 York Avenue, Edina, MN**

### **Planner Presentation**

Planner Teague told the Commission the City of Edina is requesting a setback variance to construct a parking lot extension from the Southdale YMCA property onto the city owned Yorktown Park property for the purposes of providing parking for a proposed Pilot Community Garden Project to be located within the park. The ordinance requires a 10-foot setback from an interior lot line for parking stalls and drive aisles. The purpose of the variance is to allow a shared use parking lot extension for both the YMCA and Yorktown Park to accommodate users of the new community garden and to benefit the YMCA for their over-flow parking needs.

Teague explained that the proposed extension would provide a net gain of 29 additional parking stalls with reserved spots for gardeners. Currently there is no parking provided on site for the park. A parking lot extension would benefit both the YMCA and the City by providing parking for the YMCA during their peak winter season and for the City during the rest of the year. During the summer months the back (west) parking lot at the YMCA is used for bus staging for kid's programming, day trips and camps which would make it difficult for Yorktown Park users to share their lot. A new shared use lot would allow increased use of the park and the ability for more park and community garden programming. The Nine Mile Creek Trail is also proposed to run just north of the park, so nearby parking could service the trail. The cost of the parking lot expansion is estimated at \$66,000, with the City proposing to construct the lot and to be reimbursed by the YMCA for all associated costs. The YMCA has committed to maintenance of the parking lot as well.

Teague reported that the possibility of Community Gardens was discussed by the City Council starting in 2009, with a more recent drive of the Council by encouraging the Community Health Committee to add it to their work plan. Moving forward with the Health Committee's work plan and as part of the City's participation in do.town initiatives, do.town met with Southdale YMCA to partner on the Garden Project. The Park Board supported the recommendations of the Yorktown Community Garden Work Group at their March 12, 2013, meeting and requested that the City Council approve the Yorktown Park Pilot Community Garden Project and parking lot. The Edina City Council approved the Pilot Project at their April 2, 2013, City Council meeting, on a vote of 3-1. The last step in the city process is for the Planning Commission to review the setback variance for the parking lot expansion.

Teague concluded that staff recommends approval of the requested variance based on the following findings:

- a) The practical difficulty is caused by the two properties having different zoning designations, and therefore, a setback is required from the lot line. If the properties shared a common zoning designation, then a setback would not be required.
- b) The parking extension is a relatively minor improvement, however, will provide the needed parking for new programming within the park and will provide over-flow parking for the YMCA property. The request is reasonable given the location of the existing YMCA parking lot and the benefits gained by both properties with the extension of the lot.

Approval is also subject to the following condition:

- 1. Final parking lot connection and layout subject to review and approval of the City Engineer.
- 2. The filing of an access and maintenance agreement between the City and the Southdale YMCA.

### **Appearing for the Applicant**

Ann Kattreh, Director of Parks & Rec

## **Discussion**

Commissioner Schroeder commented that if approved the YMCA would lose some parking stalls observing that could render them non-conforming. Continuing Schroeder questioned if a storm water management plan was required. Planner Teague responded that the proposed parking spaces are shared parking spaces, adding staff viewed this as a benefit for both the City and the YMCA. With regard to storm water management the plan was reviewed by the Engineering Department and a Watershed District permit is required.

Ann Kattreh addressed the Commission and explained that parking for the community garden would be signed; adding the additional parking is definitely a shared use between the City and the YMCA. Continuing, Kattreh explained that the seasonal aspect of the community garden should not create a parking issue for the YMCA. Kattreh pointed out that the use of indoor recreational/exercise facilities is at its peak during the winter months, adding the garden would not be active during the winter months.

Commissioner Forrest asked Kattreh if adding the community garden would compromise parking for the skate park. Kattreh responded there should be no immediate parking impact to the skate park from the community garden. Kattreh said observed methods of travel to the skate park include parental drop off, walking and biking. Kattreh noted bike racks are available at the site.

Commissioner Potts questioned if a bike path is proposed to the garden. Kattreh responded that at this time the plans for entrances, etc. haven't been finalized. Continuing, Potts asked if the City would provide water for the garden. Kattreh responded in the affirmative, adding initially water would be stored in a container on wheels. If the "garden" is successful a permanent water line would be installed. Kattreh said from group studies it is believed the community garden would be very successful. Kattreh said this should be a "win-win" for everyone. Kattreh noted the Park Board voted 9-1 in support of the garden and the City Council voted 4-1 in support. Concluding, Kattreh said all garden "plots" have been sold.

## **Public Comment**

Janey Westin, 6136 Brookview Avenue spoke in support of the community garden.

Chair Staunton asked if anyone else would like to speak to the issue; being none, Commissioner Potts closed the public hearing. Commissioner Carpenter seconded the motion. All voted aye. Motion carried.

Further discussion ensued on parking and storm water management.

## **Motion**

Commissioner Carpenter said there appears to be positive indicators that this community garden would be successful, adding he supports the request as submitted.

**Commissioner Carpenter moved variance approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion.**

**Commissioner Schroeder offered an amendment that approval is contingent on approval by the**

**Watershed District of a storm water management plan. Commissioners Carpenter and Scherer accepted the amendment. All voted aye; motion carried. 8-0**

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**C. Conditional Use Permit. Kirk and Amy Aadalen – 4924 East Sunnyslope Road, Edina, MN**

**Planner Presentation**

Planner Teague informed the Commission Kirk and Amy Aadalen, are requesting a variance from Conditional Use Permit requirements to tear down an existing house and construct a new home at 4924 East Sunnyslope. A Conditional Use Permit is requested to allow the first floor elevation of the new home to exceed the first floor elevation of the existing home by more than one foot. The applicant is proposing to raise the first floor elevation 11.5 feet above the existing first floor elevation. The first floor of the existing home is at 928.5 feet with an allowed increase in height by code to 829.5 feet. The height of first floor for the new home will be at a 940 feet.

The property is a through lot with frontage along Sunnyslope East and Hill Top Lane. The new home will front Hill Top Lane with the back walk-out facing Sunnyslope. The orientation of the home will be completely switched from existing front yard along Sunnyslope to the new front yard along Hill Top Lane. The reorientation of the home requires that the first floor be elevated to a height relating to the street level of Hill Top Lane. The topography slopes from a high point near Hill Top down to a lower rear yard near Sunnyslope.

Planner Teague stated staff believes approval of the conditional use permit subject to the following findings:

1. The proposal meets the Conditional Use Permit findings of Section 850.04, Subd. E. as demonstrated on pages 3 of this report, however, the request would not meet required findings for additional conditions of Section 850.11. Subd. 2. for a Conditional Use Permit to allow the new first floor to exceed one foot. The Conditional Use Permit criteria to raise the first floor higher than 1 foot does not take into consideration a complete re-orientation of a new home on a lot with significant grade differences. There are homes facing both East Sunnyslope and Hill Top with the subject property a through lot allowing opportunity to front the home towards either street.
2. As demonstrated on the Compliance Table on page 4 of this report, the proposal meets all minimum Zoning Ordinance standards with the reorientation of the house.
3. The finished grade along the new front building wall of the home facing Hill Top Lane will be between 938 – 940. The adjacent neighbor facing Hill Top Lane to the west has similar grade elevations within the front yard, (939.1 – 941.8). The front yard elevation of the new home will be consistent with the adjacent neighbor's front yard elevations.

4. The proposed home is in character within this neighborhood. There are a variety of housing styles throughout the Sunnyslope neighborhood. There have been a number of properties that have had homes re-built on them that are of similar size, mass and scale.

Planner Teague concluded that staff recommends that the City Council approve the variance from the Conditional Use Permit criteria for property located at East Sunnyslope Road. The Conditional Use Permit allows the new home to have a first floor elevation 10.5 feet above the one foot first floor increase of the existing home.

Approval is based on the following findings:

1. The proposal meets the Conditional Use Permit conditions of the Zoning Ordinance Section 850.04, Subd E.
2. The proposal meets all applicable Zoning Ordinance requirements.
3. The proposed new home is in character with this neighborhood.

Approval is also subject to the following conditions:

1. The site must be developed and maintained in conformance with the following plans:
  - Survey date stamped February 6, 2013.
  - Building plans and elevations date stamped March 22, 2013.
2. Submit a copy of the Minnehaha Creek Watershed District permit if required. The City may require revisions to the approved plans to meet the district's requirements.

### **Appearing for the Applicant**

Kirk and Amy Aadalen, applicants and Peter Eskuche, 2212 Indian Road West, architect for the project.

### **Discussion**

Chair Staunton commented this conditional use permit request is also a request for a variance from the conditions of the Conditional Use Permit. Teague responded in the affirmative adding staff is seeing more requests of this type.

Commissioner Scherer said she noticed the applicants have petitioned for an address change from Sunnyslope Road to Hilltop and asked Planner Teague if this was a usual occurrence. Planner Teague responded this request is not uncommon; especially on corner and through lots and in commercial areas.

### **Applicant Presentation**

Amy Aadalen, 7630 S Bay, Bloomington, informed the Commission her family has a close relationship with the Sunnyslope neighborhood having grown up in the immediate area. Aadalen explained the house has been designed to "fit" the lot and neighborhood, adding they reached out to the immediate neighbors apprising them of their plan. Continuing, Aadalen said they recently learned from a representative for neighbors across the street that they have some concerns about the rear yard.

Aadalen said their intent is to make sure the rear yard is screened affording privacy for both them and their neighbors, adding they plan on a berm with natural plantings, reiterating their intent is to minimize impact and maintain privacy.

Commissioner Forrest asked Mr. Eskuche if he knows what the building height is at the rear. Eskuche responded that the building height at the rear is around 43-feet. He added that the proposed house meets the City's building height requirement. Chair Staunton asked Planner Teague to clarify where building height is measured. Planner Teague explained that City Ordinance states building height is measured from the average ground elevation at the front building line. Teague said it's not unusual for rear elevations to be above 40-feet especially in walk out situations.

Chair Staunton opened the public hearing.

### **Public Comment**

Scott Massey, representing Andres & Heidi Faris, 4929 East Sunnyslope Road, Edina, MN (neighbor across the street)

David Angler, 4924 East Sunnyslope Road, Edina, MN

### **Discussion**

Chair Staunton asked the applicants if they have discussed and drafted specific landscaping plans. Mrs. Aadalen responded that they have discussed creating a natural buffered area including berm with plantings. Mr. Eskuche shared photos of the property, adding at this time a landscape architect hasn't been chosen. Mrs. Aadalen reiterated their intent is to enhance the natural features of the site; possibly adding arborvitae and additional plantings. Planner Teague explained that technically a landscaping plan is not required.

Commissioner Forrest said she observed a patio on the plans and questioned if lot coverage was an issue. Mr. Eskuche said after construction lot coverage is at 19%.

Commissioner Schroeder commented that a central element of development is land form, adding in this instance the proposed landscaping "plan" reestablishes the original pattern of this lot. Schroeder pointed out the lot naturally rises from Sunnyslope to Hilltop and when first developed it was developed with a front walkout with driveway accessing Sunnyslope. That cut into the natural land form, reiterating in his opinion the proposal as submitted reestablishes the original land form. Continuing, Schroeder said the Conditional Use Permit requirement limiting elevation change was drafted to accommodate homes with ground water issues; adding the Commission is now hearing the ramifications of that change. Concluding, Schroeder said in his opinion this actually benefits the neighborhood.

Commissioner Platteter said he agrees with Schroeder adding that he would like to see the applicant "flush out" a landscaping plan prior to Council.

Planner Teague commented that as part of the approval process conditions could be added addressing the driveway and landscaping if the Commission is leaning in that direction.

A brief discussion ensued on landscaping and the driveway off Sunnyslope Road.

### **Motion**

Commissioner Carr moved Conditional Use Permit approval based on staff findings and subject to staff conditions, including two additional conditions:

- Provide a detailed landscape plan
- Eliminate driveway off Sunnyslope Road

Commissioner Carpenter seconded the motion. All voted aye; motion carried. 8-0.

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## **VII. REPORTS AND RECOMMENDATIONS**

### **A. Zoning Ordinance Update – Residential Development**

#### **Discussion**

Chair Staunton reminded the Commission they are in the process of considering potential zoning ordinance amendments regarding residential redevelopment. Staunton referred to a memo from staff listing issues the Commission has been discussing over the past months. Staunton explained that this evening he would like an informal discussion on the issues, adding this isn't a public hearing. Staunton concluded that the end result this evening would be to direct staff to formulate ordinance amendments for future consideration.

Staunton said he would like to take each item in the memo step by step to gauge where their direction.

**#1. Options 1 & 2** indicates side yard setbacks on lots less than 75-feet in width, adding there are two options.

Commissioner Forrest said in her opinion this is a complicated item. Forrest said she would like more information from other cities; especially how the side building wall is addressed. Forrest said she believes Wayzata has an ordinance that addresses side building walls greater than a specific number in length. Forrest said she was also concerned with the potential impact changes could create for lots less than 50-feet in width, pointing out Edina has a number of 40+ foot lots.

Commissioner Platteter asked Planner Teague what the side yard setback was for lots under 50-feet in width. Planner Teague responded the side yard setback is 5-feet from the side; both attached garage and living space. Commissioner Platteter said what he also wants to eliminate are the long blank side walls and mass, adding staggering setbacks and finding the right number for building height could reduce the impact of the new house.



Chair Staunton commented it is possible that staggering the setbacks (5/7 etc.) may work. Commissioners agreed. A discussion ensued on staggering setbacks, 5/7, 6/6, 9/5, 8/6 for lots 75' and under. Commissioners agreed that staggering setbacks was the way to proceed however, would like to see a table illustrating how these setbacks would look. The general consensus was to eliminate the 5-5 "bookend" look in favor of staggered setbacks.

It was also noted that the "step" formula for building height doesn't work in some instances (lots less than 75-feet in width) because it reduces style options so the house conforms to code. A suggestion was made to lower building height; maybe to 30-feet with no mid-point for lots less than 75-feet in width. Commissioners agreed that the 75-feet was the breaking point for changes. Commissioners also acknowledged the potential for unintended consequences.

The discussion ensued on changes that could create non-conformity pointing out many of these homes are already considered non-conforming structures. In conclusion the following was suggested:

- Increase setback through staggering for lots less than 75-feet in width – find a number somewhere between options 1 & 2.
- Add language that would address long building walls and how to break up that mass.
- Eliminate 2<sup>nd</sup> story formula (this goes to #4 also).

**Chair Staunton asked for comments on #2** – Rear and Side Yard Setback for accessory structures. A discussion ensued with the consensus that at this time this wasn't an issue.

**Chair Staunton referred to #3** – Front Yard Setback. Staunton reminded the Commission at present front yard setbacks are determined by averaging the setbacks of the houses on either side. Staunton pointed out problems arise when streets are curved or adjoining houses are setback back at a deeper setback.

Planner Teague acknowledged since the recent ordinance change that re-determined the way the City calculates front yard setback the Commission has heard a number of variances from the ordinance mostly from the large lot neighborhoods. Teague explained many larger lots are irregularly shaped thereby making it very difficult to use the average of the homes on either side. Teague pointed out Edina requires a minimum front yard setback but no maximum so on these larger lots house placement is flexible. Continuing, Teague said staff suggests amending the ordinance to indicate a new house can maintain the existing front yard setback. Front yard setback is established at a minimum 30-feet in those areas where houses have been sited closer than 30-feet to the front property line.

Commissioners asked Teague to draft corresponding language for them to review. Commissioners indicated maintaining the average in the smaller lots neighborhoods works; acknowledging the problems this poses in the large lot neighborhoods. It was also noted that lining up the houses all in a row may not be what they want either.

#### **Chair Staunton referred to #4 – Building height.**

Chair Staunton said this ties into the conversation on #1. Commissioners recommended keeping the 2 ½ story limit and a building height and height at 30-feet to the ridge line on lots less than 75-feet in width. Lots over 75-feet in width remain as is with regard to height.

#### **#5 – Front loaded garages.**

A discussion ensued on how this would be handled. Suggesting that a percentage of allowable garage presence; and limiting its extension into the front yard setback makes sense, however, it was observed that this appears to be another problem for the narrower lots (under 75-feet in width). Commissioners also suggested creating an incentive for homeowners building new houses to build the garage in the rear (smaller lots again), adding lot coverage could be increased for those new houses. This would also address the side yard setbacks because of driveway placement. Commissioners expressed the opinion that they don't want to be too restrictive in new house construction stifling creativity.

Commissioners directed staff to create an ordinance limiting garage stall space to two spaces on the front façade on lots less than 75-feet in width, or find a percentage that would limit garage presence. This change would be for lots less than 75-feet in width. Continuing, the discussion focused on the length a garage can extend into the front yard setback. One suggestion was no more than 2-feet or same as the house. After further discussion Commissioners indicated they would leave that number up to staff or have staff leave it blank to allow for more discussion on this encroachment.

#### **#6 – Building Coverage on Lots less than 9,000 square feet in size. Defer to end.**

#### **#7 – Tree Protection Ordinance.**

The discussion focused on tree protection and at what point does removal of trees interfere with individual rights on discretionary tree removal.

Commissioner Schroeder noted that the EEC is reviewing this, adding it may benefit the Commission to wait and see what they are doing. It was suggested that staff bring the EEC's draft back for the Commission to review.

Continuing, discussion focused on teardown and tree protection during the construction phase. Planner Teague said that Minnetonka has an ordinance that states during the construction phase trees are protected within 10 feet of the perimeter of the building footprint, sidewalks, driveways and garages; however, it doesn't mean once the new house is built homeowners can't remove a tree within that 10-feet.

Commissioners directed staff to get a copy of the EEC's draft tree ordinance and also look at Minnetonka's and bring both back to the Commission for future further discussion.

#### **#8 & 9 – Stormwater Management and Retaining Walls –**

It was noted much of this would be addressed through Engineering review. With regard to retaining walls it was suggested that setbacks be required for retaining walls over 4-feet in height.

Staff was directed to continue working on this and draft an ordinance requiring a setback of between 3-5 feet for retaining walls 4-feet in height or greater.

#### **#10. Require access to backyard from front yard on same property.**

A discussion ensued on the circumstances when a homeowner doesn't have access to their rear yard and if this really is a big problem. It was further discussed where to place this "requirement" in the ordinance.

Commissioners directed staff to draft language addressing this topic – is it through setbacks or other means. Further discussion would occur on staff's draft.

#### **#11 – Window wells and egress windows exceptions to the setback, window wells –**

Commissioners noted there is a difference between window wells and egress windows, directing staff to draft language addressing a setback for egress windows of 5-feet.

There was further discussion on overhanging eaves and their impact on drainage. Staff explained that there is a setback for overhanging eaves of 3-feet.

Commissioners asked Teague at this time to leave the language alone on overhanging eaves and what can or can't encroach into the setback. However, draft an ordinance requiring egress windows to maintain a 5-foot side yard setback requirement. The traditional window well can remain unregulated.

#### **#12. Single/two car garage requirement.**

A discussion ensued on what was the driver behind the two stall requirement. It was acknowledged that the ordinance prohibiting parking on the street may have been behind the two stall issue. There was some discussion on two stall vs. one stall as a lifestyle choice – It was further acknowledged that the one stall scenario (if enacted) would be for lots under 75-feet in width. It was noted that this debate would continue on two vs. one.

#### **#13 - Keep only the R-1 zoning district and make lot size changes within the existing structure.**

The discussion noted that Edina's zoning ordinance was drafted with one residential classification R-1 and changing the ordinance to create more "R-1" zoning districts may not be the way to proceed at this time. It was observed that lot size could address most issues. No formal recommendation on this.

#### **#6. - Lot coverage.**

A discussion ensued on lot coverage and clarifying what is included and excluded in lot coverage.

Further discussion suggested a lot coverage allowance of 25% for all R-1 lots. It was acknowledged that this ordinance change could be the most controversial. Commissioners asked Planner Teague to draft language with a maximum lot coverage of 25% for all R-1 lots regardless of size.

Concluding, Chair Staunton said at this time the objective is to have Planner Teague provide the Commission with a rough draft of the ordinance changes. Staunton said over the next few meetings Commissioners can discuss the draft and decide if any need refining. Staunton said the final goal would be to approve any/all revisions so a "preliminary final" could be brought before the public at a public hearing.

It was further noted that comments from the public are always welcome.

### **VIII. CORRESPONDENCE AND PETITIONS**

Chair Staunton acknowledged back of packet materials.

### **IX. CHAIR AND COMMISSION MEMBER COMMENTS**

None.

### **X. STAFF COMMENTS**

Planner Teague told the Commission there will be a joint meeting with the City Council on April 16<sup>th</sup> to discuss the AUAR for the Pentagon Office Park and Grandview. Teague said all Commissioners are invited to attend, adding it begins at 5:00 pm at City Hall.

### **XI. ADJOURNMENT**

**Commissioner Carr moved adjournment at 10:10 PM. Commissioner Potts seconded the motion. All voted aye; motion carried.**

***Jackie Hoogenakker*** \_\_\_\_\_

Respectfully submitted